

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 22 2008

at 10 o'clock and 50 min. A.M.
SUE BEITIA, CLERK

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

JOHN SARDINHA,

Defendant-Petitioner.

Case No. 1:02CR00272-004

(DA)

DECLARATION OF PETITIONER

IN SUPPORT OF §3582(c)(2) MOTION

FOR REDUCTION OF SENTENCE

I, JOHN SARDINHA, being duly sworn do hereby declare, under penalty of perjury the following:

- 1). On March 8, 2004, I was sentenced by the United States District Court for the District of Hawaii, to a term of 135 months incarceration; and five year term of supervised release.
- 2). That since the inception of my term of incarceration, over four (4) years ago, I have continuously participated in educational programming and vocational training in order to prepare myself for a smooth transition into free society as a productive and law abiding citizen.
- 3). That during the term of my incarceration I have consistently received good to excellent employment reviews in all my various

work assignments.

4). That my commitment to change and improvement of my character began long before this possibility of a reduction on sentence and is in fact, rooted in my true desire to return to society with something to contribute.

5). That from the time of the inception of my case, I acknowledged and demonstrated my acceptance of responsibility for my actions and I accepted the fact that together with this acceptance of responsibility came a period of punishment that I could either use to become bitter and disappointed or that I could use to better myself. I chose to better myself and to learn from and build upon my prior mistakes.

6). That while I recognized the Court's reasoning at my sentencing was to impose a sentence which was reflective of the seriousness of my crime, the need for punishment and the need for deterance; I also believe now, as I believe then, that the Court was imposing a sentence far in excess of what was sufficient for the punishment of my crime. This is most especially true, when considering the enhancement for a firearm violation, which resulted in a two (2) level enhancement.

7). That at sentencing, the Court's pronouncement of a sentence of 135 months, was in effect the pronouncement of a sentence equivalent to a large portion of my adult life, without I believe, any significant consideration of my particular facts and circumstances and those factors which must be considered pursuant to §3553(a) such as for example, my education and my particular background.


8). That I believe that the Court imposed this sentenced in blind conformity and mandatory reliance upon the Sentencing Guidelines, which Guidelines have now been found by the Supreme Court to be merely advisory and considered to be no more weighted, than any other §3553(a) factor.

9). That I believe that the Court can, in this re-sentencing procedure, take the opportunity to correct my sentence and bring that sentence more in line with the spirit and intent of the sentencing laws.

10). That I am making this Declaration so that the Court can hear directly from me concerning all of my post-conviction rehabilitation efforts and can better judge; firsthand, the sincerity of my commitment to better myself, both spiritually and educationally.

11). That I most sincerely appreciate all consideration that this Court can bring to bear upon my §3582 Motion For Reduction of Sentence.


12). That for the reasons cited herein and in the annexed Memorandum of Law, I would request that this Court re-sentence me to a total period of 87 months, for the drug violations to which I pled guilty.


John Sardinha
Pro-Se Petitioner
Fed. Reg. No. 89543-022
FCI Fort Dix
P.O. Box 2000
Fort Dix, New Jersey 08640

Dated: April 8, 2008
Fort Dix, New Jersey

Sworn to before me

this 8 day of April, 2008


NOTARY PUBLIC

WALTER T. BIEDERBECK JR.
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 2/21/2011

[SEAL]